

COMMISSION MEETING MINUTES

Indiana Fire Prevention and
Building Safety Commission
Government Center South
302 W. Washington Street
Indianapolis, Indiana 46204
Conference Center Room B

August 6, 2013

Pursuant to IC 22-12-2-6, the Indiana Fire Prevention and Building Safety Commission's regular monthly meeting was opened by Chairman Hawkins at 9:00 a.m. on August 6, 2013.

(a) Commissioners present at the Commission meeting:

Ron Brown
Tom Cloud
Michael Corey
Kevin Goeden, representing the Commissioner, Department of Labor
John Hawkins, Chairman
Todd Hite, representing the Commissioner, Department of Health
James Hoch
Matt Mitchell
Patrick Richard
Craig Von Deylen

Commissioners not present at the Commission meeting:

Diana M. H. Brenner

(b) The following departmental and support staff were present during the meeting:

Legal and Code Services
Mara Snyder, Director, Legal and Code Services
Kari Thompson, Manager, Code Technical Development
Cecilia Ernstes-Boxell, Code Specialist
Denise Fitzpatrick, Code Specialist
John Haines, Code Specialist
John Hibner, Code Specialist
Beth Sutor, Secretary

- (c) James Schmidt, Deputy Attorney General, and Gary Bippus, Administrative Law Judge, were present.

Chairman Hawkins introduced the newest Commissioner, James Hoch, and the newest member of staff, Kari Thompson, Manager, Code Technical Development. He also announced that, while the economy seemed to be improving, with more variances being sought, he was unhappy with the number of incomplete applications. He stated that they were to be complete when submitted.

2. Old Business

Chairman Hawkins called for any corrections or a motion to approve the minutes of the July 2, 2013, meeting. Commissioner Corey moved to approve the minutes as distributed, with the second by Commissioner Richard. It was voted upon and carried.

3. Ordinances

Property Maintenance Code Ordinance No. 2007-1
Brookville, Indiana

Cass County Building Ordinance No. 2013-08
Cass County, Indiana

Elkhart County Building Code Ordinance No. 2013-330
Elkhart County, Indiana

Mara Snyder, Director, presented the ordinances, recommending approval. Commissioner Corey moved to approve the ordinances, with the second by Commissioner Richard. It was voted upon and carried.

4. Variances

Tabled Variances

Variance 13-01-36(b), Lafayette Family YMCA, Lafayette, had been tabled until December. Jim Tyler, Secretary, spoke as proponent for variance 13-06-1, Friends of Eagles #852 Sprinklers, Rochester. He reported that no one would give him a quote on an all-CPVC system. He did get a quote for a system which would use the CPVC in all but the attic and riser room, which would be in galvanized pipe. Following discussion, Commissioner Corey moved to approve, with the condition that the variance be valid for 18 months to allow them time to comply, and that the

current system must be maintained. Commissioner Cloud made the second. It was voted upon and carried. The proponent for variance 13-06-2, 2013 SVT Elevator, Munster, and 13-06-9, 2013 SVT Elevator, Hammond, requested they be tabled. Commissioner Corey moved to table, with the second by Commissioner Cloud. It was voted upon and carried. Variance 13-06-8(a)(b)(c), Tippecanoe Court Suite 2561 Remodel, Lafayette, was represented by Tim Callas, J&T Consulting. The proponent withdrew variance (c), and submitted an amended variance (a) to allow the canopy to remain as is, with the concealed combustibles sprinklered. An amended (b) variance for unlimited area was also submitted. Ron Ritchey, Lafayette Fire Department, advised the Commission that they did not object to the variances with sprinklers in the canopy. Following discussion, Commissioner Brown moved to approve both variances, with the condition that proper documentation was to be provided to the local fire department on or before September 2, 2013. Commissioner Corey made the second. It was voted upon and carried. Variance 13-07-4, The Hideaway Bar and Grill, Gas City, was represented by Doug Trent, RTM Consultants. Mr. Trent had done a Section 3410 evaluation of the property, and it had passed. He noted that, unless you are in the office and kitchen area, you are able to see all of the room and exits. Following discussion, Commissioner Brown moved to deny, and to refund the fee. Mara Snyder, Director, Legal and Code Services, suggested they pass the variance instead so the applicant would have a document for future inspections. Commissioner Brown withdrew the motion. Commissioner Corey then moved to approve, with the condition they comply with Chapter 34 requirements. Commissioner Cloud made the second. It was voted upon and carried with 2 nay votes. Variance 13-07-21, Greencastle Parking Garage, Greencastle, had been incomplete, and now had the required signatures. Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Commissioner Cloud abstained.

Regular Variances

A request had been made to have variance 13-08-18, Wible Lumber Equipment Vestibule Addition, South Milford, voted upon separately from the rest of the block vote. Commissioner Corey moved to approve variance 13-08-18, with the second by Commissioner Richard. It was voted upon and carried with one nay.

Chairman Hawkins called for any abstentions or variances to be called out of the block vote. Commissioner Von Deylen announced he would abstain from voting on 13-08-41(a)(b)(c), 617 North College, Indianapolis. Commissioner Cloud announced he would abstain from voting on 13-08-42, Wishard Hospital Replacement Facility Hospital / ACB Building, Indianapolis, and variance 13-08-69(a)(b)(c)(d)(e)(f)(g) Hinkle Fieldhouse Renovation, Indianapolis. Commissioner Richard announced he would abstain from voting on 13-08-24, Market South, Lafayette. Commissioner Brown called out 13-08-53, Miller Door and Trim, Inc, Goshen. Commissioner Mitchell called out variance 13-08-69(g), Hinkle Fieldhouse Renovation, Indianapolis, and 13-08-31, First Church of Christ Teen and College Ministry Building, Bluffton. Commissioner Corey moved to approve all remaining "A" and "B" variances, with the second by Commissioner Mitchell. It was voted upon and carried.

The following variances were approved as submitted:

- (1) 13-08-1 Rapid Repair Facility Expansion, Elkhart
- (2) 13-08-2 2421 E. Boston Road Windows, Bloomington
- (3) 13-08-3 512 E. 15th Street Windows, Bloomington
- (4) 13-08-4 550 E. Graham Place Windows, Bloomington
- (5) 13-08-6 200-202 E. 16th Street Windows, Bloomington
- (6) 13-08-7 2942 S. Walnut St. Units 1-8 Windows, Bloomington
- (7) 13-08-8 2232 E. Cape Cod Drive Windows, Bloomington
- (8) 13-08-10 Angel Mounds Historic Building Restroom Conversion, Evansville
- (9) 13-08-11 Tim's Shooting Academy of Westfield, Westfield
- (10) 13-08-13 Lakeside School, Versailles
- (11) 13-08-16 B&G Mortuary, Charlestown
- (12) 13-08-17 BW Properties Warehouse, Bloomington
- (13) 13-08-19 Wible Lumber Storage Building, South Milford
- (14) 13-08-21 The American Building, Indianapolis
- (15) 13-08-23 Oliver Winery Shelter and Restrooms, Bloomington
- (16) 13-08-24 Market South, Lafayette
- (17) 13-08-25(a)(b) Tinker Flats Building 1, Indianapolis
- (18) 13-08-28 206 E. 16th Street Windows, Bloomington
- (19) 13-08-30(a)(b)(c) Stadium Lofts, Indianapolis
- (20) 13-08-32(b) Carmel United Methodist Church Additions and Renovations, Carmel
- (21) 13-08-33 University Center, Mishawaka
- (22) 13-08-34 ArcelorMittal USA #2 Steel Producing Freight Elevator, East Chicago
- (23) 13-08-35 Hamilton Library Air Handler and Boiler Retrofit, Franklin
- (24) 13-08-37 Amish Parochial School, Fountain City
- (25) 13-08-41(b) 617 North College, Indianapolis
- (26) 13-08-43 Biomet 2013 Dining Expansion, Auburn
- (27) 13-08-44 IU Health Methodist Hospital Radiology Door Modification First Floor, Indianapolis
- (28) 13-08-45 Mainstreet Crawfordsville Skilled Nursing & Assisted Living Facility, Crawfordsville
- (29) 13-08-46 Mainstreet Kokomo Skilled Nursing & Assisted Living Facility, Kokomo
- (30) 13-08-47 Mainstreet Skilled Nursing & Assisted Living Facility, Indianapolis
- (31) 13-08-48 Mainstreet Health & Wellness Suites on Georgetown Road, Indianapolis
- (32) 13-08-50 Woods at Oak Crossing, Indianapolis
- (33) 13-08-51(a)(b) Indiana National Guard Cold Storage Facility, Shelbyville
- (34) 13-08-59 Greensburg High School Vocational Building Addition, Greensburg
- (35) 13-08-61(a) WWTP Improvement Project, Middlebury
- (36) 13-08-63(a)(b) New Albany Fire Station, New Albany
- (37) 13-08-64 1724 E. Hillside Apartments A-R, Bloomington
- (38) 13-08-66 Sweetwater 2013 SW Expansion, Ft. Wayne
- (39) 13-08-67 Bloomington Center for Global Children, Bloomington
- (40) 13-08-69(b) Hinkle Fieldhouse Renovation, Indianapolis

The following variances were heard separately:

(41) 13-08-5 Ameriprise Financial, Newburgh

Ron McGillem, architect, spoke as proponent. The building had been constructed 7.6 feet from the property line without the required fire rating on the exterior wall. The proponent noted that the neighboring property had a 5 foot drainage easement, and a 5 foot setback required by the county ordinance. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(42) 13-08-9 Heritage Heights Remodel, Crawfordsville

No proponent was available for questions. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

(43) 13-08-12 Martin Bedding Saw Dust Grinding Building, Goshen

Douglas Graham, Graham Engineering Services, spoke as proponent. The building, closed on three sides, was to be used to grind scrap wood into shavings for livestock bedding. Being located on a farm, there is no public water source available. Two large water tanks and hoses are being stored at the open end of the building, next to where the machinery is located. The steel building has no electric lights or fixtures, and the lower 8 feet of the three walls are concrete. The proponent was asked if the machinery had been fitted with a dust collection system, and, if not, would the owner be willing to install one. Marc Reynolds, Fire and Building Code Enforcement, asked the Commission why they would request a dust collection for a company who made sawdust as a product. Following further discussion, Commissioner Mitchell moved to approve, with the condition that Chapter 10 exiting requirements be followed. Commissioner Von Deylen made the second. It was voted upon and carried, with two nay votes.

(44) 13-08-14 Country Club of Indianapolis 30'x50' Tent, Indianapolis

George Arvanitis, General Manager, spoke as proponent. The request was to allow the tent to remain standing beyond the code-compliant limit of thirty days. The tent, typically used for weddings, would be professionally put up in May, and taken down in September. Following discussion, Commissioner Brown moved to approve, with the condition that Chapter 24 requirements are met. Commissioner Hite made the second. It was voted upon and carried.

(45) 13-08-15 Avalon of Fishers Townhomes Section 1G, Fishers

Tim Ochs, Ice Miller, and Matt Lohmeyer, Pulte Homes of Indiana, spoke as proponents. The layout and design of the development had been done while under a previous Building

Law Compliance Officer's interpretation of the requirements for townhomes. This allowed one sanitary sewer to serve the building, consisting of more than one townhome. The interpretation was later changed, and would require new construction redesign in the existing development. The request was to allow their established single sanitary sewer design to continue to be used in this development. A written, binding and recorded easement would allow access to all portions of the sewer lines for residents. Following discussion, Commissioner Von Deylen moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(46) 13-08-20 Rick's Sports Bar Smoking Area, Evansville

Vicki Dickinson, owner of the establishment, spoke as proponent. In response to an ordinance passed in Evansville, a smoking patio was constructed for the patrons' use. The addition and the existing bar had an occupant load of 188, and the CDR called for sprinklers. Two areas of the bar had been enclosed to decrease the available occupant load. The bar was separated from the neighboring Swap Shop by a 1-hour fire barrier. The request was to be allowed to omit sprinklers. Following discussion, Commissioner Richard moved to approve, with the condition that another layer of 5/8", Type-X drywall was to be added to the bar side of the dividing wall, including the attic, within a period of three months. Commissioner Corey made the second. It was voted upon and carried with one nay.

Breaking and reconvening. Chairman Hawkins recessed the Commission at 10:30 a.m. It was called back to order at 10:45 a.m.

(47) 13-08-22 Main Gate Sports Bar and Restaurant, Evansville

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the use of the second floor front room, with only one exit, for a period of one year. During this year, they would be raising funds and installing a second exit. The occupant load of the second floor room would be set at 49. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Corey. It was voted upon and carried, with two nay votes.

(48) 13-08-26 Mursix Corporation Addition, Yorktown

Keith Gary, US Architects, spoke as proponent. The request was to allow the automotive parts metal stamping facility to be considered an unlimited area building without one side of the structure having the full 60' side yard. They had been unsuccessful in purchasing the additional acreage to be compliant. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

- (49) 13-08-27 HMN Venues, LLC - Agricultural Rental Hall, West Lafayette

Elizabeth Nichols, owner, spoke as proponent. The request was to omit the code-required sprinkler system for the A-2 occupancy. A 10,000 gallon underground water tank was to be provided for use by firefighters, for both the facility and surrounding family homes. There is no public water system in the rural area. The kitchen was to be a warming kitchen. Following discussion of exiting and the proposed balcony, Commissioner Cloud moved to approve, with the condition that no balcony or second floor was to be constructed. Commissioner Richard made the second. It was voted upon and carried, with two nay votes.

- (50) 13-08-29 21st Century Charter School / Gary Middle School, Gary

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow the occupancy of the first floor of this building before the completion of all of the work in entire building from September 3, 2013 to October 31, 2013. The sprinkler system and all required means of egress for the first floor classrooms are in place and fully functional. The areas still under construction will be separated from the occupied areas by temporary stud and gypsum board walls without openings. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

- (51) 13-08-31 First Church of Christ Teen and College Ministry Building, Bluffton

Ed Rensink, RTM Consultants, spoke as proponent. The request was to omit the code-required sprinkler system. The proponent stated the facility would be used for youth ministry functions and events, contain no kitchen, and would not be rented for use by the public. Also speaking was Chris Broderick, Bluffton Fire Department, in opposition to the variance, while Bonnie Robison, Director, Plan Review, and Dean Illingworth, Building Law Compliance Officer, provided background information. Following a lengthy discussion, Commissioner Goeden moved to table to further define the use and to provide a cost estimate, with the second by Commissioner Brown. It was voted upon and carried.

- (52) 13-08-32(a) Carmel United Methodist Church Additions and Renovations, Carmel

Ed Rensink, RTM Consultants, spoke as proponent. A new front entry was to be built. The open-air canopy and colonnade were to provide shelter for the parishioners entering and exiting the church. The request was to allow the addition to exceed allowable area for Type VA construction. The new entry would add an additional exit, and reduce travel distance for the occupants. Following discussion, Commissioner Cloud moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (53) 13-08-36 1300 S. Clinton Street Reroof, Ft. Wayne

Luther Mock, Foursquare Solutions, spoke as proponent. The ninth floor of the building was to have an IRMA roof replaced. The building was so close to the streets that the use of a crane to remove the rock would not be possible, and the noise caused by use of the vacuum technique, using metal tubing, would not be tolerated by neighbors. The request was to allow the rocks to be moved to the 8th floor roof from the 9th floor to be reused, though the roof exceeded the maximum mean roof height in Table 1504.8. The 8th floor had a 14 foot perimeter wall, with a 7 foot projection, to help insure the rocks did not become airborne. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Von Deylen. It was voted upon and carried.

- (54) 13-08-38 Avondale Meadows Health and Wellness Center, Indianapolis

The proponent requested the application be tabled. Commissioner Corey moved to table, with Commissioner Cloud making the second. It was voted upon and carried.

- (55) 13-08-39 Fox Apartments, Bloomington

Ed Rensink, RTM Consultants, spoke as proponent. The request was to allow a rooftop deck with a single exit for the residents of the building. The calculated occupant load was 49, which created the requirement for a second exit, and the building was protected by an NFPA 13R system. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Brown. It was voted upon and carried.

- (56) 13-08-40 St. Sava Worship Pavilion, Merrillville

Mike Ajder, Board President, spoke as proponent. The request was to allow the open-air pavilion to omit sprinklers. The proponent advised the Commission that they were going to enclose the pavilion, and would sprinkle it at that time. Following discussion, Commissioner Brown moved to approve, with the condition that the variance was valid for two years or until the pavilion was enclosed, whichever came first. Commissioner Corey made the second. It was voted upon and carried.

- (57) 13-08-41(a)(c) 617 N. College, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. The request in (a) was to allow the use of a 13R sprinkler system in the building, a 4-story R-2 Occupancy over an S-2 Occupancy, which does not comply with the 4-story limit imposed by the code. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Cloud. It was voted upon and carried. Variance (c) was to allow the use of a 2-hour fire barrier in lieu of a 2-hour fire wall. The new construction and the existing building were to be protected with an NFPA 13 system. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Commissioner Von Deylen abstained from voting on both variances.

- (58) 13-08-42 Wishard Hospital Replacement Facility Hospital / ACB Building, Indianapolis

The application was tabled at the request of the proponent. Commissioner Corey moved to table, with the second by Commissioner Mitchell. It was voted upon and carried.

- (59) 13-08-49 42 E. Washington ACI #13002, Indianapolis

Christina Collester, RTM Consultants, spoke as proponent. As part of the renovation, an existing 4-story open stair was to be relocated and replaced. The request was to allow the new stair to be unenclosed. The new stair will improve the remoteness of exits, and comply with design requirements of the current code. Following discussion, Commissioner Richard moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

Breaking and reconvening. Chairman Hawkins recessed the Commission for lunch at 11:55 a.m. It was called back to order at 1:03 p.m.

- (60) 13-08-52 International School of Columbus, Columbus

Mark Daugherty, Daugherty Design Plus, spoke as proponent. An existing church building, being converted to a school, is over the allowable area for an “E” occupancy. The basement was to be sprinklered, and an additional exit would be created, eliminating a dead end corridor and creating an exit away from the furnace room and service panels. A second exit would be added from the second floor of the athletics building, with direct access to the outside via exterior stairs. The kitchen was a warming kitchen only. Following a question to the architect concerning a Chapter 34 evaluation, Commissioner

Hite moved to table to allow the proponent time to do the evaluation and return with their results. Commissioner Mitchell made the second. It was voted upon and carried.

- (61) 13-08-53 Miller Door and Trim, Inc, Goshen

Commissioner Brown had called out the variance application, asking why it had been given an “A” ranking by staff. Mara Snyder, Director, Legal and Code Services, explained the local fire official had recommended approval of the variance. Commissioner Cloud then moved to approve, with the second by Commissioner Richard. It was voted upon and carried, with one nay.

- (62) 13-08-54 Hospice House, Indianapolis

The application was now complete and eligible to be voted upon. Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

- (63) 13-08-55 Hero Reward Retreat Center, Corydon

Rodney Bruce, owner, spoke as proponent. The facility provides activity space for use by military servicemen and women, and First Responders free of charge. The request was to omit the sprinklers in the 1,170 square foot cabin, built to provide an accessible restroom facility. The local water company stated there was no water main in the area which could support a sprinkler system, with the proponent noting they are on a well and cistern system. Following a lengthy discussion, Commissioner Cloud moved to approve, with the second by Commissioner Richard. It was voted upon and carried, with one nay.

- (64) 13-08-56(a)(b) Rolling Maul Soccer Complex, Lafayette

Tim Callas, J&T Consulting, spoke as proponent. The complex is a participant sport facility, with the locker rooms, concession area separated with a 2-hour fire wall. The request in (a) was to allow the building to be over area for Type IIB construction. Variance (b) was to not fully comply with fire department access road requirements. Ron Richey, Lafayette Fire Department, addressed the Commission, requesting that they be allowed to approve the access road plans, and that no alcohol be served in the facility. Following discussion, Commissioner Mitchell moved to approve with the conditions that the access road be completed and approved by the fire department before opening, and that no alcohol be served. Commissioner Richard made the second. It was voted upon and carried.

- (65) 13-08-57(a)(b) VP Freezer Warehouse Addition, Ft. Wayne

Tim Callas, J&T Consulting, spoke as proponent. The applications were lacking the signature of the architect. With the condition that the signatures be submitted to staff by August 7, 2013, the Commission agreed to hear the applications. The fire department access road did not provide an area for turn-around for fire apparatus due to site constraints. Jim Maura, Ft. Wayne Fire Department, did not object to the variance. Following discussion, Commissioner Mitchell moved to approve both (a) and (b), with the condition that the signatures be submitted to staff by August 7, 2013. Commissioner Corey made the second. It was voted upon and carried.

- (66) 13-08-58 Booster Pump Station, Whitestown

Christina Collester, RTM Consultants, spoke as proponent. The request was to omit sprinklers in the chemical storage room, classified as an H-3 Occupancy. The building, usually unoccupied, would store sodium hypochlorite and ammonium sulfate for use in water treatment systems. The corrosives must remain dry until use. Following discussion, Commissioner Hite moved to approve, with the second by Commissioner Cloud. It was voted upon and carried.

- (67) 13-08-60 Camp Lutherhaven New Cabin Buildings 4 & 5, Albion

The application was now complete and eligible to be heard. Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

- (68) 13-08-61(b)(c) WWTP Improvement Project, Middlebury

Christina Collester, RTM Consultants, spoke as proponent. Variance (b) was a request to omit sprinklers in the chemical storage rooms. The oxidizers and corrosives are not flammable or combustible, but should remain dry. Commissioner Hite moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (c) was a request to allow the construction of the small additions to make the necessary improvements to the system and process. Following discussion, Commissioner Mitchell moved that no variance was required. Commissioner Corey made the second. It was voted upon and carried.

(69) 13-08-62 Shank Apartments, Bloomington

Tim Callas, J&T Consulting, spoke as proponent. The new 3-story apartment building will have a wall which is 10'-1" from the property line, and contain 8 windows, exceeding the permitted unprotected opening percentage allowed by code. The proponent stated that the NFPA 13R system would be configured such that a head would be located over each window. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

(70) 13-08-65 Ben and Penny's, Newburgh

Penelope Nejad, owner, spoke as proponent. It was noted that the proof of notification for the local fire official had not been submitted. The proponent explained it was a volunteer fire department, and she had not been able to contact them. Physical limitations of the existing building did not allow the restroom to comply with wheelchair accessibility requirements. Other accessibilities have either been addressed, or are in the planning process. The Town Hall accessible restroom is within 75 feet. The request was to allow the restroom to be non-compliant, due to financial hardships at this time. Following discussion, Commissioner Corey moved to approve with the condition the proof of notification from the local fire official be submitted to staff. Commissioner Hite made the second. It was voted upon and carried.

(71) 13-08-68 Stout Field Building 7 Renovation, Indianapolis

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The building is converting some of the additional storage area to office use, with the intention of eventually having all of it all converted to offices. The storage area is currently housing metal parts. Interior partitions were to be 2-hour fire barriers, with ceilings of double layer 5/8" gypsum suspended from the structure. The Department of the Army/National Guard does not wish to sprinkle, due to the extensive amount of electronic equipment within the structure. Randy Gulley, Wayne Twp. Fire Department, stated he did not have any objections to the variance. Following discussion, Commissioner Mitchell moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(72) 13-08-69(a)(c)(d)(e)(f)(g)(h) Hinkle Fieldhouse Renovation, Indianapolis

Ed Rensink, RTM Consultants, spoke as proponent. In variance (a), the new exit door from the lower level does not have a continuous accessible path to the public way due to a slope that would not allow the construction of a ramp all the way to the public way. An exterior wheelchair space with close spaced sprinklers within 10' will be provided. Commissioner Corey moved to approve, with the second by Commissioner Brown. It was voted upon and carried. Variance (c) was to allow a room containing a new boiler and the 3 existing boilers to not be separated by a one-hour fire separation. The construction is of

masonry and concrete, with a concrete floor above, and two fan shafts to the rest of the structure. Following a lengthy discussion, Commissioner Brown moved to approve with the condition that a dry pipe sprinkler system be installed. Commissioner Mitchell made the second. It was voted upon and carried. Variance (d) was to omit a second compliant means of egress from the sub-basement mechanical level. A second egress stair is being provided, but the site constraints leave little room for an additional exit due to equipment location. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Goeden. It was voted upon and carried. Variance (e) was to allow the use of fire-retardant plywood and drywall over steel joist ceiling framing on each side of first floor seating bowl area. This is to be the walking surface for mechanical maintenance and service of equipment in the “attic” area. Jeff Dean, City of Indianapolis, noted this area was over the seating area. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Richard. It was voted upon and carried. Variance (f) was to allow the drinking fountains, cited for extending into the walk area, to remain in their current location. The units are mounted on walls which are part of the restroom structural bays, and do not protrude into the required exit width. Commissioner Mitchell moved to approve, with the second by Commissioner Hoch. It was voted upon and carried. Variance (g) was to allow the Athletic Director’s private toilet room to not comply with accessibility requirements. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Hite. It was voted upon and carried. Variance (h) was withdrawn.

Breaking and reconvening Chairman Hawkins recessed the Commission at 2:20 p.m. It was called back to order at 2:31 p.m.

(73) 13-08-70 Prologis Lebanon Commerce Building 1, Lebanon

Mark Riffey, Ryan Fireprotection, spoke as proponent. The project is using pendant-type sprinklers, with a pond water source, and were told they needed to use return bends to trap sediment in their system. The proponent noted a new exception in NFPA 13-2012 edition that allowed them to omit bends if the K-factor was K.11.2 or higher, and they measure K.16.8. The request was to omit the return bends. Commissioner Brown moved to approve, with the second by Commissioner Hoch. It was voted upon and carried.

(74) 13-08-71(a)(b) Our Lady of Mount Carmel Convent, Carmel

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. The request in variance (a) was to allow the use of a 13D sprinkler system in the R-3 congregate residence, in lieu of the code-required 13R. The proponent noted that the proposed Indiana Building Code will allow this. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Corey. It was voted upon and carried. Variance (b) was to omit rated corridors. The building was to be sprinklered, with windows which meet emergency

escape window requirements. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Mitchell. It was voted upon and carried.

(75) 13-08-72(a)(b) Mooresville High School Renovation, Mooresville

Ed Rensink, RTM Consultants, spoke as proponent. Also present was Darrell Brown, Mooresville Fire Department. The request in (a) was to allow the occupancy of the addition beginning in November, 2013, before the entire sprinkler system was operational. They can backfeed the corridor/connector sprinkler system to make it operational by November, or earlier. Variance (b) was to allow temporary classrooms, in what had previously been the administrative area, to exit through an adjoining classroom until August, 2014. Following discussion, Commissioner Brown moved to approve with the condition that fire drills be held that reflect the construction changes. Commissioner Corey made the second. It was voted upon and carried.

(76) 13-08-73 IU Health Bloomington Hunter SIP Ortho Clinic, Bloomington

Melissa Tupper, RTM Consultants, spoke as proponent. The existing building was evaluated using Section 3410. The request was to be allowed a passing score of +30 for building area, in lieu of their score of +12. They are unable to provide a new sprinkler system, or smoke and fire alarm systems. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Corey. It was voted upon and carried.

(77) 13-08-74 Marek Cholowa Residence, Indianapolis

Bob Abbott, builder, spoke as proponent. The owner had provided windows, matching the rest of his home, to be installed in the poured concrete basement wall for one bedroom, and a concrete block wall in another. With both sashes removed, they meet the opening size requirements, but do not with only one sash removed. Following discussion and comments by Shelly Wakefield, citizen, and Mike Hopper, City of Indianapolis inspector, Commissioner Corey moved to approve, with the second by Commissioner Richard. It was voted upon and carried, with one nay.

(78) 13-08-75 Park on 11th, Bloomington

Mark Riffey, Ryan Fireprotection, spoke as proponent. The request was to omit sprinklers required to be installed over the ground floor patios. Without eaves or an

upper balcony to trap heat, the sprinklers would not operate properly. Following discussion, Commissioner Brown moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

(79) 13-08-76 Linton-Stockton Middle School 2013 Addition, Linton

Ralph Gerdes, Ralph Gerdes Consultants, spoke as proponent. During construction of an addition to the school, a dead end corridor of 110 feet was to be created. The request was to allow this condition to exist until August, 2014, when construction is expected to be completed. Temporary exit signs would be posted, and fire drills to familiarize staff and students with new exit paths through the building would be held. Following discussion, Commissioner Corey moved to approve with the condition that the variance would be valid until August 6, 2014. Commissioner Brown made the second. It was voted upon and carried.

(80) 13-08-77 Dunkin Donuts #351971, Ft. Wayne

Doug Trent, RTM Consultants, spoke as proponent. The request was to omit the second exit called for by Plan Review, due to lack of space available. Plan Review applied an occupant load factor of 5 square feet per person in the vending area, which gave an occupant load of more than 49 persons. When calculated as a retail area, which the space reflects, the result is less than 49. With a drive-thru on one side of the space, and a neighboring tenant on the other, there is no space for a second exit. Following discussion, Commissioner Corey moved to approve with the condition that a maximum occupant load of 49 be posted. Commissioner Von Deylen made the second. It was voted upon and carried.

(81) 13-08-78 Carlen Residence, Indianapolis

Robert Geis, RMG Construction, spoke as proponent. The request was to allow the furnace installed in the attic over the laundry room, by owner's choice, to reduce noise and vibration effects in the living area below to remain in that location. Though it does not fully comply with clearance and work space requirements of the code, there was ample room to install the unit, and there should be space for maintenance as well. Following discussion, Commissioner Corey moved to approve, with the second by Commissioner Richard. It was voted upon and carried.

5. Request for clarification of approval condition Variance 13-06-40(b)(c)

Mara Snyder, Director, Legal and Code Services, noted that the owner of 237 Washington Street, Columbus, had requested a clarification of the term “owner-occupied”, used when the variance had been conditioned. They wished to know if the variance would transfer to a new owner should they wish to sell the property. Following discussion, it was determined that, since the variance went with the current owner of the stated building, any new owner would need to apply for a variance in their name.

6. Discussion and possible adoption of LSA Doc #13-181 (Readoption of 675 IAC 13-1-9, 13-1-21, 675 IAC 20, 675 IAC 23, and 675 IAC 24)

Following a brief explanation of the purpose of the proposed adoption led by Mara Snyder, Director, Legal and Code Services, Commissioner Hite moved to approve LSA Doc. #13-181, concerning the readoption of administrative rules that will expire on January 1 of the seventh year in which the rules take effect, as published in the Indiana Register on May 9, 2013, at DIN:20130508-IR-675130181RNA. Commissioner Mitchell made the second. It was voted upon and carried.

7. Discussion of memo concerning accessibility provisions interpretation

Mara Snyder, Director of Legal and Code Services, had requested that the Commission provide guidance on their interpretation of accessibility requirements, using 3 frequently asked questions.

The first question was: Is each floor (stories + basements) of a new building or new portion of an existing building required to be accessible?

The Commission’s response was that, if all of the services or functions were located on an accessible floor, then the other floors were not required to be accessible. However, if a service or function was only available on a floor that was not accessible, that service or function had to be moved to the accessible floor or the floor on which it was actually located had to be made accessible.

The second question was: On each floor that is required to be accessible, is every toilet room or bathing facility on that floor required to have at least 1 completely accessible set of fixtures (stool, lavatory, etc.), e.g. 1 accessible stall?

The Commission’s response was that, for toilet rooms with fewer than six stalls, at least 1 set of fixtures must be accessible. If a toilet room had 6 stalls or more, then additional accessible stalls would be required.

The third question was: If toilet rooms or bathing facilities in excess of the required fixture count are provided (i.e. more toilet rooms and/or bathing facilities than are required under the Building Code are constructed), is each of those toilet rooms and bathing facilities required to be

constructed in compliance with all accessibility rules, even though they're being added voluntarily?

The Commission's response was that, yes, all of the discretionarily added facilities would have to comply with the accessibility requirements. The Commission noted that, for a single use restroom in a private office, there are possible exceptions to some of the accessibility requirements. However, it must be adaptable.

8. NFPA 12 Code Change Proposal

David Kelly, Koorsen Fire and Security, had submitted an NFPA 12 code change proposal concerning the acceptance testing requirements. A copy of the request was provided for members of the Commission. It was decided to add the proposed change to the chase amendments.

9. Discussion and possible Commission action

Reverie Estates
Administrative Cause No. 13-09
Order – Elevator and Amusement Division
Nonfinal Order of Dismissal

Commissioner Corey moved to affirm the Nonfinal Order of Dismissal, with the second by Commissioner Mitchell. It was voted upon and carried.

10. Discussion and Commission action on Petitions for Review

Indiana Mentor
Order – Fire and Building Code Enforcement

McNamara Florist
Order – Fishers Fire Department
Technology Center Asso.
Order – Elevator and Amusements Division

Midwest Technical Institute
Order – Brownsburg Fire Territory

Indiana Precision, Inc.
Order – Crawfordsville Fire Department

Commissioner Corey moved to grant the petitions for review, with the second by Commissioner Mitchell. It was voted upon and carried.

P&P Imports, Inc.
Order – Fire and Building Code Enforcement
Not timely filed

Commissioner Corey moved to deny, as it had not been timely filed. Commissioner Hite made the second. It was voted upon and carried.

11. Comments – Mara Snyder

Ms. Snyder noted the Commission members had been provided a copy of LSA Document #12-522 for amendments to NFPA 72, and asked for any concerns about the proposed text. She had received some public comments, and would include them in her summary of public comments for the October meeting. The public hearing will be August 28th, at 10 am. in Conference Center Room 14. The draft language for the local inspection fee was being worked upon, and she hoped to have it for the September meeting. Next month, the issues among the Fire Code, the Building Code, and the Mechanical Code, including items with high fiscal impacts, would be discussed.

12. Chairman Hawkins adjourned the meeting at 4:10 p.m.

APPROVED _____
John Hawkins, Chairman